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September 17, 2019

Judge Michael J. O'Malley
Judge Christiaan Siano
State Office of Administrative Hearings
300 W 15th St
Austin, TX 78701

Re: *Application of Southwestern Electric Power Company for Certificate of Convenience and Necessity Authorization and Related Relief for the Acquisition of Wind Generation Facilities*; SOAH Docket No. 473-19-6862; PUC Docket No. 49737

Dear Judges O'Malley and Siano,

The Office of Public Utility Counsel (OPUC), Texas Industrial Energy Consumers (TIEC), and Cities Advocating Reasonable Deregulation (CARD) (collectively, Joint Intervenors) file this response to SWEPCO's proposal that intervenor testimony be due in mid-December and nearly one month before Commission Staff's testimony would be due. Requiring intervenors to file testimony in mid-December is unworkable and unnecessary for the reasons discussed in the pleading filed by Commission Staff and intervenors yesterday, which Joint Intervenors will not repeat here.¹ SWEPCO's proposal is also out of step with the Commission's general practice, in which the deadline for intervenor direct testimony is set one week before Staff direct testimony.²

¹ Staff and Intervenors Joint Procedural Schedule and Argument in Support (Sep. 16, 2019).

² For example, the deadline for intervenor testimony has been set one week before the deadline for Commission Staff testimony in all of the generation CCN cases in the last five years. *Application of Southwestern Electric Power Company for Certificate of Convenience and Necessity Authorization and Related Relief for the Wind Catcher Energy Connection Project in Oklahoma*, Docket No. 47461, SOAH Order No. 2 (Aug. 18, 2017); *Application of Southwestern Public Service Company for Approval of Transactions with ESI Energy, LLC and Invenergy Wind Development North America, LLC, to Amend a Certificate of Convenience and Necessity for Wind Generation Projects and Associated Facilities in Hale County, Texas and Roosevelt County, New Mexico, and for Related Approvals*, Docket No. 46936, SOAH Order No. 4 (May 26, 2017); *Application of Entergy Texas, Inc. to Amend its Certificate of Convenience and Necessity to Construct Montgomery County Power Station in Montgomery County*, Docket No. 46416, SOAH Order No. 3 (Nov. 9, 2016); *Application of El Paso Electric Company to Amend Its Certificate of Convenience and Necessity for a 20 Megawatt Solar Photovoltaic Generation Project at Fort Bliss in El Paso County*, Docket No. 44637, Order No. 3 (July 9, 2015); *Application of Entergy Texas, Inc. to Amend its Certificate of Convenience and Necessity and for Public Interest Determination for Purchase of Unit 1, Union Power Station in Union County, Arkansas*, Docket No. 43958, Order No. 3 (Feb. 2, 2015).

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Indeed, to ensure that all parties have an opportunity to adequately develop their direct cases, Staff and intervenors agreed in their joint pleading that the interval between intervenor and Staff direct testimony should be 5 working days under the circumstances of this case even if the Administrative Law Judges (ALJs) decide to set earlier deadlines than requested by Staff and intervenors.³

Joint Intervenors respectfully request that the Administrative Law Judges (ALJs) adopt the schedule proposed by Staff and intervenors. However, even if the ALJs decide to adopt a different schedule, the deadline for intervenor direct testimony should be one week before Staff direct testimony, which, under SWEPCO's proposal, would mean that intervenor direct is due on January 6, 2020.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Ben Hallmark', with a stylized flourish extending to the right.

Benjamin B. Hallmark

Attorney for Texas Industrial Energy Consumers

cc: All parties of Record

³ Staff and Intervenors Joint Procedural Schedule and Argument in Support at 2, n.2 (Sep. 16, 2019).